



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)

(Implements RCW 34.05.310)

Do NOT use for expedited rule making

Agency: Department of Social and Health Services, Aging and Disability Services Administration

Subject of possible rule making:

The department is amending Chapter 388-835 ICF/MR Program and Reimbursement System

Statutes authorizing the agency to adopt rules on this subject: RCW 71A.12.030 General authority of secretary — Rule adoption.

Reasons why rules on this subject may be needed and what they might accomplish:

RCW 71A.20.010 covers the operation of residential habilitation centers (RHCs); In 2011, the Legislature added "(2) Effective no later than July 1, 2012, no person under the age of sixteen years may be admitted to receive services at a residential habilitation center. Effective no later than July 1, 2012, no person under the age of twenty-one years may be admitted to receive services at a residential center, unless there are no service options available in the community to appropriately meet the needs of the individual. Such admission is limited to the provision of short-term respite or crisis stabilization services."

In June 2010, Governor Gregoire signed [House Bill 2490](#) which directed the Office of the Code Reviser to eliminate language in all state laws and rules that was deemed disrespectful and to replace it with preferred language that puts the person before the disability (i.e., "people first").

- [RCW 44.04.280, State laws - respectful language](#) states in part: *"The legislature recognizes that language used in reference to individuals with disabilities shapes and reflects society's attitudes towards people with disabilities. Many of the terms currently used diminish the humanity and natural condition of having a disability. Certain terms are demeaning and create an invisible barrier to inclusion as equal community members."*
- On October 5, 2010, President Barack Obama signed [Rosa's Law](#), which directed that all references in federal law to "mental retardation" be changed to "intellectual disability." Similarly the law stated that references to "a mentally retarded individual" be changed to "an individual with an intellectual disability."

The risk to not making this change in WAC is that the department may not collect Federal funds related to these changes required by the legislature. This change is also needed to ensure that chapters 388-828, 388-835 and 388-845 WAC are synchronized as they reference each other. In addition, other changes may occur in response to the budget and DDD will also be making general housekeeping changes throughout chapter 388-835 WAC.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: None

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact: Alan McMullen, Program Manager

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DATE

December 19, 2011

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SIGNATURE

TITLE

DSHS Rules Coordinator

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STATE OF WASHINGTON
FILED

DATE: December 21, 2011

TIME: 9:47 AM

WSR 12-01-115